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EXAMINER

GREENE, DANIEL L

| ART UNIT | PAPER NUMBER |
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3621

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HL

Office Action Summary

Application No.

10/042,245

Applicant(s)

DONAHUE, JOHN J.

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 15-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-9, 15-63 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, 15- 21,50, and 57-58, are drawn to negotiating a contract over a computer network between a first negotiator and a second negotiator, classified in class 705, subclass 80.
 - II. Claims 22-34 are drawn to negotiating a real estate sale transaction, classified in class 705, subclass 37.
 - III. Claims 35 -43, are drawn to negotiation of a real estate sale between a buyer and a seller, classified in class 705, subclass 1.
 - IV. Claims 44-49 are drawn to negotiating a real estate sale with prompts for completing the agreement, classified in class 705, subclass 38.
 - V. Claims 51-56 are drawn to negotiating a real estate sale, classified in class 705, subclass 26.
 - VI. Claims 59-62 are drawn to conducting a negotiation over a computer network between a first negotiator and second negotiator, classified in class 705, subclass 10.

The inventions are distinct, each from the other because of the following reasons:

2. **Inventions I and II** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and

(2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

3. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I requires:

4. displaying on a second computer screen the plurality of predefined contract provisions, including any agree/defer selections made by the first negotiator; the first dialogue box; the agree/defer selector for the second negotiator, and the second dialog box.

5. The subcombination has separate utility such as:

6. for each of a plurality of negotiators to the sale transaction detecting a selection of one of the plurality of predefined actions associated with each sale provision.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

8.

9. **Inventions I and III** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

10. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I requires:

11. displaying on a second computer screen the plurality of predefined contract provisions, including any agree/defer selections made by the first negotiator; the first dialogue box; the agree/defer selector for the second negotiator, and the second dialog box.

12. The subcombination has separate utility such as:

13. A system that facilitates the negotiation of a real estate sale between a buyer and a seller comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associate with a first phase of a sale negotiation;

14. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

15. **Inventions I and IV** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

16. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I requires:

17. displaying on a second computer screen the plurality of predefined contract provisions, including any agree/defer selections made by the first negotiator;

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the first dialogue box; the agree/defer selector for the second negotiator, and the second dialog box.

The subcombination has separate utility such as:

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

18. **Inventions I and V** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

19. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I requires:

20. displaying on a second computer screen the plurality of predefined contract provisions, including any agree/defer selections made by the first negotiator; the first dialogue box; the agree/defer selector for the second negotiator, and the second dialog box.

The subcombination has separate utility such as:

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement.

21. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

22. **Inventions I and VI** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

23. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I requires:

24. displaying on a second computer screen the plurality of predefined contract provisions, including any agree/defer selections made by the first negotiator; the first dialogue box; the agree/defer selector for the second negotiator, and the second dialog box.

The subcombination has separate utility such as:

25. (4) detecting for each of the plurality of predefined provisions whether the second negotiator has agreed with the provision.

26. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

27. **Inventions II and III** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

28. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II requires:

29. (1) displaying on a computer screen a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation.

30. The subcombination has separate utility such as:

31. negotiation of a real estate sale between a buyer and a seller.

32. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

33. **Inventions II and IV** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

34. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II requires:

35. (1) displaying on a computer screen a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation.

36. The subcombination has separate utility such as:

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement.

37. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

38. **Inventions II and V** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

39. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II requires:

40. (1) displaying on a computer screen a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation.

41. The subcombination has separate utility such as:

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement.

42. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

43. **Inventions II and VI** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

44. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II requires:

45. (1) displaying on a computer screen a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation.

46. The subcombination has separate utility such as:

47. displaying on a first computer screen a plurality of predefined provisions each relating to a potential point of negotiation between the first and second negotiator, each provision having a selector for indicating whether the first negotiator agrees with the provision.

48. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

49. **Inventions III and IV** are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

50. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention III requires:

51. A system that facilitates the negotiation of a real estate sale between a buyer and a seller comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associate with a first phase of a sale negotiation;

52. The subcombination has separate utility such as:

53. displaying on a second computer display device the plurality of sale provisions and the plurality of predefined actions associated with each sale provision, and receiving from a second party information selecting one of the predefined actions for each sale provision.

54. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

55. **Inventions III and V** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

56. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention III requires:

57. A system that facilitates the negotiation of a real estate sale between a buyer and a seller comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associate with a first phase of a sale negotiation;

58. The subcombination has separate utility such as:

59. (2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions.

60. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

61. **Inventions III and VI** are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

62. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention III requires:

63. A system that facilitates the negotiation of a real estate sale between a buyer and a seller comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associate with a first phase of a sale negotiation;

64. The subcombination has separate utility such as:

65. displaying on a first computer screen a plurality of predefined provisions each relating to a potential point of negotiation between the first and second negotiator, each provision having a selector for indicating whether the first negotiator agrees with the provision.

66. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

67. **Inventions IV and V** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed

does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

68. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention IV requires:

69. (a) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement.

70. The subcombination has separate utility such as:

71. (2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions.

72. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

73. **Inventions IV and VI** are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

74. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention IV requires:

75. (a) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement.

76. The subcombination has separate utility such as :

77. (4) detecting for each of the plurality of predefined provisions whether the second negotiator has agreed with the provision.

78. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

79. **Inventions V and VI** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

80. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention V requires:

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement.

The subcombination has separate utility such as:

(3) displaying on a second computer screen the plurality of predefined provisions along with respective selectors for indicating whether the second negotiator agrees with the provisions.

81. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination as indicated is proper.

82.

83. **Species Election**

This application contains claims directed to the following patentably distinct species of the claimed invention:

If Applicant chooses **Group I** the Applicant must select one of the following species. Currently, Claim 1 is generic.

I. A Claims 1,2 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of preventing the first negotiator from entering text into the second dialogue box.

I. B Claims 1,3 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of response to detecting that the first and second negotiators have entered identical text in each respective first and second dialogue boxes permitting the first and second negotiators to select "agree" for the agree/defer selector, and otherwise inhibiting such selection.

I. C Claims 1,4 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator

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including the step of until the first and second negotiator have selected either agree or defer for each of the plurality of contract provisions.

I. D Claims 1,5 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of displaying a first response box into which the first negotiator can enter text, and a second response box into which the second negotiator can enter text, the method further comprising the step of

(6) in response to detecting that the first and second negotiators have entered identical text in each respective first and second response box, permitting the first and second negotiators to select "agree" for the agree/defer selector, and otherwise inhibiting such selection.

I. E Claims 1,6,7,8 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of wherein steps (6) and (7) comprise the step of determining whether each respective negotiator has entered text into a response box.

I. F Claims 1,9 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of in response to detecting that the first and second negotiators have entered different text in each respective first and second dialogue box for a particular

contract provision, generating a message highlighting a discrepancy with respect to that particular contract provision.

I. G Claims 1,15,16 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of repeating steps (1) through (5) for a plurality of different transactions; and

(7) generating a summary report that includes, for each of the plurality of different transactions, information identifying the contract and a current contact person for each respective transaction, and, in response to selecting one of the current contact persons, generating a message to the one current contact person.

I.H Claims 1,15,17,18 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of comprises the step of displaying a menu of choices including a plurality of current contacts identified by respective roles played in negotiating the transaction.

I.I Claims 1,15,17,18 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of generating a summary report that includes the information identifying each transaction on a single line of a multi-line tabular display format.

I.J Claims 1,19 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of generating a second summary report that includes, for one of the

plurality of different transactions, a plurality of phases into which the one transaction has been partitioned, and displaying different current contact persons for at least two of the plurality of phases.

I.K Claims 1,20 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of providing a dual-messaging function that permits members of a transaction team authorized to act on behalf of one of the negotiators to transmit messages to other members of the transaction team that are recorded in a message log that can be viewed by all members of the transaction team, and permits members of the transaction team to selectively transmit messages to other members of the transaction team that are not recorded in the message log, such that they cannot be viewed by all members of the transaction team.

I.L Claims 1,21 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of providing a customization function that permits one of the negotiators to, prior to step (1), selectively exclude one or more of the predetermined agreement provisions from being displayed in steps (1) and (3).

I.M Claims 1,50 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of (6) negotiating between the first and second negotiators to reach agreement on at least one of the sale-provisions for which the first and second did not reach agreement;

(7) receiving from each party an evaluation form including information relating to the sale negotiation process; and

(8) generating a report including information received from the evaluation form.

I.N Claims 1,58 are directed at a computer-assisted method of negotiating a contract over a computer network between a first negotiator and a second negotiator including the step of wherein the contract relates to a real estate transaction.

If Applicant chooses **Group II** the Applicant must select one of the following species. Currently, Claim 22 is generic.

II. A Claims 22,23 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of wherein step (2) comprises the step of detecting selection of either an AGREE choice or a DEFER choice for each sale provision.

II. B Claims 22,24 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of wherein steps (1) and (2) are performed at a prospective purchaser's computer during a first time period, and wherein steps (1) and (2) are performed at a prospective seller's computer during a second time period.

II. C Claims 22,25 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of wherein step (2) further comprises the

step of receiving from at least one of the negotiators a numerical value pertaining to at least one of the sale provisions.

II. D Claims 22,25,26,27 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of converting in a computer the numerical value from a first unit of measure to a second unit of measure and displaying the second unit of measure: and

converting in a computer the numerical value from a first unit of currency to a second unit of currency and displaying the second unit of currency.

II. E Claims 22,28,29 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of selecting a third-party service provider from a computer database, wherein the third-party service provider is selected from a geographic area to which the sale pertains; and

electronically transmitting to the third-party service provider a request for services prepopulated with information pertaining to the sale negotiation.

II. F Claims 22,28,29,30 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of wherein the third-party service provider is an architect, and wherein the electronically transmitted request pertains to a floor plan for the sale.

II. G Claims 22,31 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of completing an evaluation form for the negotiation and generating a report based on the evaluation form.

II.H Claims 22,32 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of (4) in the later negotiation phase, displaying additional computer screens to resolve sale provisions that were deferred from the first negotiation phase.

II.I Claims 22,33 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of automatically generating an intermediate document that summarizes points of agreement in the negotiation.

II.J Claims 22,34 are directed at a computer-assisted method of negotiating a real estate sale transaction including the step of wherein steps (1) and (2) are performed over the Internet using web browsers by negotiators located at two different locations.

If Applicant chooses **Group III** the Applicant must select one of the following species. Currently, Claim 35 is generic.

III. A Claims 35,36 are directed at a system that facilitates the negotiation of a real estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation;

wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stores in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the software receives choices from the buyer located at a first computer during a first time period and receives choices from the seller located at a second computer during a second time period.

III. B Claims 35,37 are directed at a system that facilitates the negotiation of a real estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation;

wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stores in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the software converts a numerical value relating to one of the sale provisions from a first unit of measure to a second unit of measure.

III. C Claims 35,38 are directed at a system that facilitates the negotiation of a teal estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation;

wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stones in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the software converts a numerical value relating to one of the sale provisions from a first unit of currency to a second unit of currency.

III. D Claims 35,39,40 are directed at a system that facilitates the negotiation of a teal estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation;

wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stones in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the

software suggests a third-party service provider from a computer database based on the geographic area of the sale: and

wherein the software electronically transmits to the third-party service provider a request for services pre-populated with information pertaining to the sale negotiation.

III. E Claims 35,41 are directed at a system that facilitates the negotiation of a teal estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation; wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stores in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the software receives evaluation information from the buyer and the seller and generates a report based on the evaluation information.

III. F Claims 35,42 are directed at a system that facilitates the negotiation of a teal estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation;

wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stores in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the software prompts the buyer and seller to resolve in a later negotiation phase sale provisions that were deferred from an earlier phase.

III. **G** Claims 35,43 are directed at a system that facilitates the negotiation of a real estate sale between a buyer and a seller, comprising a computer system programmed with software that generates a display of a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, wherein the plurality of sale provisions are associated with a first phase of a sale negotiation;

wherein the software receives choices from the buyer and the seller for each sale provision pertaining to one of the predefined actions and, for each sale provision, determines whether the buyer and seller have indicated agreement and, if so, stores in the computer an indication of the agreed sale provisions and, if not, defers non agreed sale provisions to a later phase of the sale negotiation including the step of wherein the software automatically generates an intermediate document that summarizes points of agreement in the negotiation.

If Applicant chooses **Group IV** the Applicant must select one of the following species. Currently, Claim 44 is generic.

IV. A Claims 44,45 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of:

(1) displaying on a first computer display device a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, and receiving from a first party information selecting one of the predefined actions for each sale provision;

(2) displaying on a second computer display device the plurality of sale provisions and the plurality of predefined actions associated with each sale provision, and receiving from a second party information selecting one of the predefined actions for each sale provision;

(3) determining those sale provisions for which the first and second parties have selected the same predefined action; and

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement: and

wherein step (4) comprises the step of generating a request for services from a local service provider.

IV. B Claims 44,46 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of:

(1) displaying on a first computer display device a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, and receiving from a first party information selecting one of the predefined actions for each sale provision;

(2) displaying on a second computer display device the plurality of sale provisions and the plurality of predefined actions associated with each sale provision, and receiving from a second party information selecting one of the predefined actions for each sale provision;

(3) determining those sale provisions for which the first and second parties have selected the same predefined action; and

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement: and

further comprising the step of converting a value associated with one of the sale provisions from a first unit of measure to a second unit of measure and displaying the second unit of measure.

IV. C Claims 44,47 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of:

(1) displaying on a first computer display device a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, and receiving from a first party information selecting one of the predefined actions for each sale provision;

(2) displaying on a second computer display device the plurality of sale provisions and the plurality of predefined actions associated with each sale provision, and receiving from a second party information selecting one of the predefined actions for each sale provision;

(3) determining those sale provisions for which the first and second parties have selected the same predefined action; and

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement; and

wherein step (4) comprises the step of suggesting a value for a sale provision that is a compromise between a value offered by the first party and a value offered by the second party.

IV. D Claims 44,48 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of:

(1) displaying on a first computer display device a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, and receiving from a first party information selecting one of the predefined actions for each sale provision;

(2) displaying on a second computer display device the plurality of sale provisions and the plurality of predefined actions associated with each sale provision, and receiving from a second party information selecting one of the predefined actions for each sale provision;

(3) determining those sale provisions for which the first and second parties have selected the same predefined action; and

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement; and

further comprising the step of preventing t first party and the second party from modifying any sale provision for which the parties have selected the same predefined action.

IV. E Claims 44,49 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of:

(1) displaying on a first computer display device a plurality of sale provisions and a plurality of predefined actions associated with each sale provision, and receiving from a first party information selecting one of the predefined actions for each sale provision;

(2) displaying on a second computer display device the plurality of sale provisions and the plurality of predefined actions associated with each sale provision, and receiving from a second party information selecting one of the predefined actions for each sale provision;

(3) determining those sale provisions for which the first and second parties have selected the same predefined action; and

(4) for those sale provisions for which the first and second parties have not selected the same predefined action, prompting the first and second parties to reach agreement: and

a computer-readable medium comprising computer instructions that, when executed by a computer, perform the steps recited in claim 44.

If Applicant chooses **Group V** the Applicant must select one of the following species. Currently, Claim 51 is generic.

V. A Claims 51,52 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement, each provision having an associated displayed choice including at least an agreement choice and a deferral choice; .

(2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions;

(3) for each predefined real estate sale agreement provision, determining whether each of the plurality of negotiators has selected the same displayed choice and, for each such same choice, storing in a computer an indication of agreement regarding the associated sale agreement provision; and

wherein step (1) is performed on two computers each located at a different geographic location, wherein each negotiator selects choices during different time periods.

V. B Claims 51,53 are directed at computer-assisted method of negotiating a real estate sale, comprising the steps of

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement, each

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provision having an associated displayed choice including at least an agreement choice and a deferral choice; .

(2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions;

(3) for each predefined real estate sale agreement provision, determining whether each of the plurality of negotiators has selected the same displayed choice and, for each such same choice, storing in a computer an indication of agreement regarding the associated sale agreement provision; and

wherein steps (1) to (3) are performed during a first negotiation time period, and further comprising the steps of

(4) during a later negotiation period, re-displaying real estate sale agreement provisions for which agreement was not reached during the first negotiation time period, and repeating steps (2) and (3) for all such provisions.

V. C Claims 51,54 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement, each provision having an associated displayed choice including at least an agreement choice and a deferral choice; .

(2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions;

(3) for each predefined real estate sale agreement provision, determining whether each of the plurality of negotiators has selected the same displayed choice and, for each such same choice, storing in a computer an indication of agreement regarding the associated sale agreement provision;

wherein step (1) comprises the step of displaying each of the plurality of real estate sale agreement provisions simultaneously on a single computer screen.

V. D Claims 51,55 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement, each provision having an associated displayed choice including at least an agreement choice and a deferral choice; .

(2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions;

(3) for each predefined real estate sale agreement provision, determining whether each of the plurality of negotiators has selected the same displayed choice and, for each

such same choice, storing in a computer an indication of agreement regarding the associated sale agreement provision; and

generating by computer a draft sales agreement containing provisions for which agreement was reached.

V. E Claims 51,56 are directed at a computer-assisted method of negotiating a real estate sale, comprising the steps of

(1) displaying on a computer screen a plurality of predefined real estate sale provisions each relating to one aspect of a potential real estate sale agreement, each provision having an associated displayed choice including at least an agreement choice and a deferral choice; .

(2) for each of a plurality of negotiators to the real estate agreement, detecting each negotiator's computer selection of one of the plurality of displayed choices for each of the predefined real estate sale agreement provisions;

(3) for each predefined real estate sale agreement provision, determining whether each of the plurality of negotiators has selected the same displayed choice and, for each such same choice, storing in a computer an indication of agreement regarding the associated sale agreement provision; and

wherein step (1) comprises the step of displaying a plurality of sale provisions including at least a sale price; payment terms; and closing date.

If Applicant chooses **Group VI** the Applicant must select one of the following species. Currently, Claim 59 is generic.

VI. A Claims 59,60 are directed at a computer-assisted method of conducting a negotiation over a computer network between a first negotiator and second negotiator, comprising the steps of

(1) displaying on a first computer screen a plurality of predefined provisions each relating to a potential point of negotiation between the first and second negotiator, each provision having a selector for indicating whether the first negotiator agrees with the provision;

(2) detecting for each of the plurality of predefined provisions whether the first negotiator has agreed to the provision;

(3) displaying on a second computer screen the plurality of predefined provisions along with respective selectors for indicating whether the second negotiator agrees with the provision; (4) detecting for each of the plurality of predefined provisions whether the second negotiator has agreed with the provision; and

(5) storing in a computer memory selections made by the first and second negotiators; and

wherein step (3) further comprises the step of displaying on the second computer screen an indication as to whether the first negotiator has agreed with each respective provision.

VI. B Claims 59,60,63 are directed at a computer-assisted method of conducting a negotiation over a computer network between a first negotiator and second negotiator, comprising the steps of

(1) displaying on a first computer screen a plurality of predefined provisions each relating to a potential point of negotiation between the first and second negotiator, each provision having a selector for indicating whether the first negotiator agrees with the provision;

(2) detecting for each of the plurality of predefined provisions whether the first negotiator has agreed to the provision;

(3) displaying on a second computer screen the plurality of predefined provisions along with respective selectors for indicating whether the second negotiator agrees with the provision; (4) detecting for each of the plurality of predefined provisions whether the second negotiator has agreed with the provision; and

(5) storing in a computer memory selections made by the first and second negotiators; and

wherein step (3) further comprises the step of displaying on the second computer screen an indication as to whether the first negotiator has agreed with each respective provision;

wherein each selector comprises an agree/defer selector that permits selection of either agreement or deferral of a corresponding negotiation provision.

VI. C Claims 59,61 are directed at a computer-assisted method of conducting a negotiation over a computer network between a first negotiator and second negotiator, comprising the steps of

(1) displaying on a first computer screen a plurality of predefined provisions each relating to a potential point of negotiation between the first and second negotiator, each provision having a selector for indicating whether the first negotiator agrees with the provision;

(2) detecting for each of the plurality of predefined provisions whether the first negotiator has agreed to the provision;

(3) displaying on a second computer screen the plurality of predefined provisions along with respective selectors for indicating whether the second negotiator agrees with the provision; (4) detecting for each of the plurality of predefined provisions whether the second negotiator has agreed with the provision; and

(5) storing in a computer memory selections made by the first and second negotiators; and

further comprising the step of creating a document reflecting provisions that were the subject of agreement between the first and second negotiators.

VI. D Claims 59,61,62 are directed at a computer-assisted method of conducting a negotiation over a computer network between a first negotiator and second negotiator, comprising the steps of

(1) displaying on a first computer screen a plurality of predefined provisions each relating to a potential point of negotiation between the first and second negotiator, each provision having a selector for indicating whether the first negotiator agrees with the provision;

(2) detecting for each of the plurality of predefined provisions whether the first negotiator has agreed to the provision;

(3) displaying on a second computer screen the plurality of predefined provisions along with respective selectors for indicating whether the second negotiator agrees with the provision; (4) detecting for each of the plurality of predefined provisions whether the second negotiator has agreed with the provision; and

(5) storing in a computer memory selections made by the first and second negotiators; and

further comprising the step of creating a document reflecting provisions that were the subject of agreement between the first and second negotiators;

wherein the document comprises a contract.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement,

and a listing of all claims readable thereon, including any claims subsequently added.

An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

84. A telephone call was made to Ross Dannenberg on 9/27/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

9/27/2005


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222